32.(new) The method according to claims 1 or 2, wherein the end terminal is part of a local area network.

REMARKS

The above identified patent application has been amended and reconsideration and reexamination are hereby requested.

Claims 1 - 16, 22 - 26 and 32 are now in the application. Claims 17 - 21 and 27 - 31 have been cancelled. Claims 1 and 2 have been amended. Claim 32 has been added.

The Official Draftsperson has objected to the Drawings. Appropriate corrected formal drawings will be provided upon receipt of a Notice of Allowance.

The Examiner has rejected Claims 1 - 31 under 35 U.S.C. §102(b) as being anticipated by Arango.

The Applicants have amended Claim 1 to call for (underlining added for emphasis)... locating the first switch or the second switch at an end terminal of a user for connecting the end terminal to a packet-switching network or a line-switching network, the first switch having access to a line-switching network managed by a network management system, selectively by line-switching or packet switching; . . .

The Applicants have also amended Claim 2 to call for (underlining added for emphasis) ... locating the first switch or the second switch at an end terminal of a user connecting the end terminal to a packet-switching network or a line-switching network, the first switch having access to the line-switching network and the packet switching network, both managed by a network management system, selectively by line-switching or packet switching

As such, the Applicants submit that Claims 1 and 2 are not anticipated by Arango under 35 U.S.C. §102(b).

The present invention provides for the first or second switch being located at an end terminal of a user for connecting the end

terminal to a packet-switching network or a line-switching network. Switch 7a represents a service access module <u>for connecting the end terminals to an ISDN/PSTN network and internet</u>. Also, switch 7a has access to a line switching network through line 8 and exchange point 4. Switch 7a also has access to a packet-switching network through line 9 and Internet access point POP 6.

Arango, on the other hand, discloses a method for transferring data from a first switch to a second switch in which the first switch is an access point 220 which has a first link to a wide area network 230 and a second link to a guaranteed bandwidth network 260. Access point 220 is part of the <u>Network infrastructure</u>. A plurality of different hosts 210 may connect to access point 220. This aspect of Arango is different from amended claims 1 and 2 which state that the first or second switch are located at an <u>end terminal of a user for connecting the end terminal to a packet-switching network or a line-switching network</u>.

The present invention thus provides for a switch <u>at the user's premises</u> which is <u>not part of the network</u>. The switch disclosed in Arango would be located at <u>POP 6</u> in Fig. 1 of the present application. Therefore, the present invention is distinguishable in that the claimed method provides for a <u>switch located at an end terminal and before the access point to a packet- or line-switching network</u>.

Further, the claimed method is based on a very different approach as compared to Arango. Namely, Arango provides for <u>specific network infrastructure</u> to transmit data either by packet-switching or line-switching to a second switch. Accordingly, an <u>existing network infrastructure</u> would have to be <u>replaced</u> by the access servers 220, 240 disclosed in Arango to be able to transfer data either by packet-switching or line-switching. On the other hand, the present invention provides for a method in which the <u>first or second switch is located at the end terminal of a user</u>. The user can decide about whether the data are transferred by packet-switching or line-switching <u>without the</u>

necessary to change existing network infrastructure. The invention thus provides for a method that smoothly adds to already existing infrastructure in that the first or second switch is located at the end terminal. It is only necessary for a user to provide for a switch which carries out the claimed method.

In addition, the Applicants submit that considering the Arango teachings, those skilled in the art would not locate switch 220 at the site of the host 210, since the Arango teachings are based on the idea of providing for data transmission over the Internet (WAN 230) or the guaranteed bandwidth Network 260 as a function carried out by the network infrastructure 220, 240 only.

Still further, the Applicants submit that, as to claims 13 - 15 Arango does not describe, teach or suggest the concept of evaluating and classifying the address information of the data packets according to a network topology and to select switches dependent on the topological area they are located for line-switching. Instead, to change to line-switching transmission over the guaranteed bandwidth network 260 the Arango reference requires kind of a handshake protocol in which access points 220, 240 exchange message packets, see col. 11, line 57 to col. 12, line 65.

Accordingly, the Applicants submit that Claims 1 and 2 are not anticipated by Arango under 35 U.S.C. §102(b).

Claims 3 - 16, 23 - 26 and 32 are dependent on either Claims 1 or 2. As such, these claims are believed allowable based upon Claims 1 or 2.
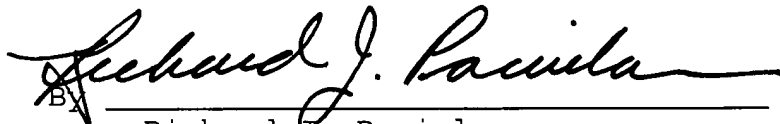
Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested.

Attached hereto is a marked-up version of the changes made to the above-identified application by the current amendment. The attached page is captioned "**Version with markings to show changes made**."

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claims 1 and 2 have been amended as follows:

1.   (Twice Amended) A method for transferring data [from an end terminal,] from a first switch to a second switch, [which are part of a line-switching network managed by a network management system or have access to the line-switching network, selectively by line-switching or packet-switching,] comprising [the steps of]:

a) <u>locating the first switch or the second switch at an end terminal of a user for connecting the end terminal to a packet-switching network or a line-switching network, the first switch having access to a line-switching network managed by a network management system, selectively by line-switching or packet switching;</u>

<u>b)</u> [a)]   establishing a connection through the line-switching network from the first switch to an access point of <u>the</u> [a] packet-switching network; - - - - - - -

<u>c)</u> [b)]   line-switching transferring of data through said connection from the first switch to the access point of the packet-switching network;

<u>d)</u> [c)]   packeting of the data into data packets if the data do not yet exist as data packets, and packet-switching transferring of the data packets through the packet-switching network from the access point to the second switch;

<u>e)</u> [d)]   checking repeatedly whether a control signal exists which is triggered by a user of the end terminal or the network management system for changing-over to a line-switching connection to the second switch;

<u>f)</u> [e)]   establishing the line-switching connection, during an existing transfer, from the first switch to the second switch through the line-switching network with a presence of <u>the</u> control signal, if the line-switching connection is not yet present; <u>and</u>

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g) [f)]   changing-over to a line-switching data transfer during the existing transfer and transferring data over the line switching connection to the second switch.

2.   (Twice Amended)   A method for transferring data from [an end terminal, from] a first switch to a second switch [both of which are part of a line-switching network and a packet-switching network, both managed by a network management system, and have access to such networks, selectively through line-switching or through packet-switching], comprising [the steps of]:

a)   locating the first switch or the second switch at an end terminal of a user connecting the end terminal to a packet-switching network or a line-switching network, the first switch having access to the line-switching network and the packet swtiching network, both managed by a network management system, slelectively by line-switching or packet switching;

b) [a)]   packeting the data into data packets in the first switch if the data does not yet exist as data packets;

c) [b)]   packet-switching transferring of the data packets through the packet-switching network to the second switch;

d) [c)]   checking repeatedly whether a control signal exists which is triggered by a user of the end terminal or the network management system for transferring to a line-switching connection to the second switch;

e) [d)]   establishing the line-switching connection, during an existing transfer, through the line-switching network to the second switch with a presence of the control signal, if the line- switching connection is not yet present; and

f) [e)]   changing-over to a line-switching data transfer during the existing transfer and transferring data over the line switching connection to the second switch.

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